

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

HILLSBOROUGH, SS.
Northern District
Docket #07-S-0254

APRIL TERM, 2007

The State of New Hampshire

v.

Michael K. Addison

**STATE'S RESPONSE TO THE DEFENDANT'S OBJECTION TO DEADLINES
FOR DEATH PENALTY AND GRAND JURY MOTIONS**

NOW COMES the State of New Hampshire by and through its attorneys, the Office of the Attorney General, and respectfully responds to the defendant's objection regarding deadlines set in this case. In support of this pleading, the State asserts the following:

1. The defendant was arraigned on February 27, 2007. During that arraignment, the Court directed the parties to try and agree to a schedule for motions and trial in the case and to have a proposal ready for the Court on March 9, 2007.
2. The parties met with the Court on March 9, 2007, and discussed proposed dates and deadlines with the Court. On March 13, 2007, the Court issued a structuring order establishing a trial date and motions deadlines in the case.
3. The defendant has filed an objection as to two aspects of the Court's order. Specifically, the defendant wishes to extend the deadlines for the filing of grand

jury/indictment motions and death penalty motions. The State does not object to extending those deadlines. However, the State does object to reversing the order of the deadlines and requests that the Court require the grand jury/indictment motions to be filed before the death penalty motions. The reason for that request is to ensure that there will be time to address any issues with the grand jury process should such need arise in the future.

4. The State also requests that the Court amend its order to allow the State thirty days to respond to defense motions. The State originally requested a thirty-day time period based on the number and complexity of the motions it anticipated from the defendant.¹ The defendant did not object to that request. The State believes that its request for additional time to respond to the defendant's motions is reasonable in light of several factors. First, the defendant's objection confirms the number and complexity of motions that he will be filing in this case. Second, the defendant's objection indicates that some of his pleadings will rely on expert testimony and statistical information to support his claims. It will be impossible for the State to review those pleadings, conduct research, verify statistics, depose the defendant's experts and then secure experts of its own within the eighteen days currently allotted by the Court. Third, the amount of time given to the defendant to prepare his motions is grossly disproportionate to the amount of time the State is being allowed to prepare its responses. The defendant will have months to draft his motions and the State will, under the current order, only be allowed eighteen days to respond. In the interests of fairness, the State should be given additional time to

¹ Thirty days is likely the minimum time required. Depending on the number, content, and complexity of the defendant's motions, the State may still need to seek additional time to file its responses.

respond to the defendant's motions. Finally, the State's request is consistent with the time periods allowed in responding to other complex legal issues. See e.g., Super. Ct. R. 103-A (the State is allowed 30 days to file a response to a petition to reduce, amend, or suspend a defendant's sentence).²

5. For all the reasons stated, the State would propose that the deadlines be amended as follows:

Defendant's motions challenging grand jury process or indictment:	August 30, 2007
State's responses due:	October 1, 2007
Defendant's motions challenging the death penalty:	October 26, 2007
State's responses due:	November 26, 2007

WHEREFORE the State of New Hampshire respectfully requests that this Honorable Court:

- A. Grant the defendant's request as to extending the two deadlines but set the order of the deadlines as per the Court's original scheduling order (grand jury motions first);
- B. Extend the timeframe for the State to respond to the defendant's motions to thirty days; and
- C. Grant such further relief as may be just and proper.

² Another guideline to consider is the briefing schedule set by the New Hampshire Supreme Court. The State typically is allowed 60 days to file its brief in response to a defendant's brief.

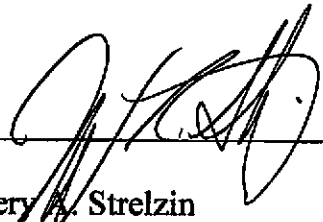
Respectfully submitted,

THE STATE OF NEW HAMPSHIRE


By its attorneys,

Kelly A. Ayotte
Attorney General

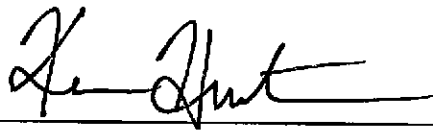
April 2, 2007



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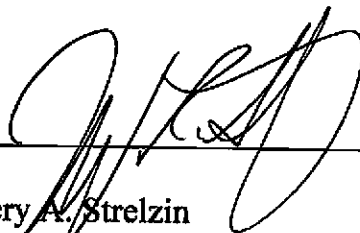


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CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been sent to Richard Guerriero, Esquire,
David Rothstein, Esquire, and Donna Brown, Esquire.

April 2, 2007



Jeffery A. Strelzin

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